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BONNEVILLE INTERNATIONAL CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FRED R. MASSIE,)	Case No. 06-1568 PJH
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER REGARDING DATE FOR
v.)	COMPLETING EARLY NEUTRAL
)	EVALUATION PROCESS
BONNEVILLE INTERNATIONAL)	
CORPORATION, DOES 1 through 50 inclusive,)	
)	
Defendants.)	

On July 24, 2006, the Court entered a Stipulation and Order Selecting ADR Process, referring this matter to Early Neutral Evaluation (ENE) and stating that the “Deadline for ENE session is September 29, 2006.” The Court held a Case Management Conference in this matter on July 27, 2006. Subsequently, Dirk M. Schenkkan, Esq. was appointed as the Early Neutral

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1 Evaluator. Mr. Schenkkan held a telephone conference with counsel for the parties on August 10,
 2 2006 to schedule the ENE and discuss related matters. Based on the schedules of the parties,
 3 counsel and the Evaluator, the first available date for the ENE is October 10, 2006, beyond the
 4 September 29, 2006 deadline stated in the Stipulation and Order Selecting ADR Process.
 5 However, the October 10, 2006 date falls well within the 90 day period after the initial July 27,
 6 2006 Case Management Conference, under ADR Local Rule 5-4(b), for conducting the ENE.
 7 ADR Local Rule 5-4(b) states: "(b) Deadline for Conducting Session. Unless otherwise ordered,
 8 the ENE session shall be held within 90 days after the initial Case Management Conference or the
 9 issuance of the initial case management order, whichever occurs first." No case management
 10 order has been issued by the Court.

11 Consequently, the parties request that the Court hereby amend the July 24, 2006
 12 Stipulation and Order Selecting ADR process so that the parties may conduct the ENE on October
 13 10, 2006 and, if necessary, complete the ENE process by October 25, 2006, within 90 days of the
 14 July 17, 2006 Case Management Conference in compliance with ADR Local Rule 5-4(b).

15 DATED: August 10, 2006

LAW OFFICE OF SAMUEL B. RUDOLPH

16 By: /s/ Samuel B. Rudolph
 17 SAMUEL B. RUDOLPH
 Attorney for Plaintiff FRED R. MASSIE

18 DATED: August 10, 2006

DAVIS WRIGHT TREMAINE LLP
 STUART W. MILLER

19 By: /s/ Stuart W. Miller
 20 STUART W. MILLER
 Attorneys for Defendant BONNEVILLE
 21 INTERNATIONAL CORPORATION

22 **[PROPOSED] ORDER**

23 Pursuant to the Stipulation above, the parties may conduct the Early Neutral Evaluation
 24 (ENE) on October 10, 2006 and complete the ENE process on or before October 25, 2006, in
 25 compliance with ADR Local Rule 5-4(b).

26 IT IS SO ORDERED.

27 DATED: August 14, 2006

28 HONORABLE PHYLIS J. HAMILTON
 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

